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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE ZARATE MORAN,

Petitioner,

No. CIV S-06-2803 FCD EFB P

vs.

JAMES TILTON, et al.,

Respondents.

ORDER

Petitioner is a state prisoner without counsel seeking a writ of habeas corpus. *See* 28 U.S.C. § 2254. Petitioner is currently proceeding on a petition for a writ of habeas corpus in Case No. S-06-2247 GEB CMK P. On November 15, 2006, the petition in that case was dismissed for failure to name the proper respondent. The order of dismissal granted plaintiff thirty days leave to amend. It appears that his new petition, filed as new Case No. S-06-2803 FCD EFB P, was intended to be the amended petition and should have been filed in Case No. S-06-2247 GEB CMK P.

Accordingly, it is ORDERED that the Clerk of the Court is directed to refile the instant petition as an amended petition in Case No. S-06-2247 GEB CMK P, and to close Case No. S-06-2803 FCD EFB P.

Dated: December 26, 2006.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE